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**MAY 23 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Jan Folkmar :  
Application No. 09/813,476 :  
Filed: March 22, 2001 :  
Attorney Docket No. POLAAP102US :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a), filed April 8, 2005<sup>1</sup>, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed;<sup>2</sup> (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lacks item (1).

<sup>1</sup> The renewed petition was originally filed via Federal Express and received in the USPTO on October 8, 2003. Unfortunately, the drawings were misplaced in the Office and any inconvenience caused to applicant is regretted.

<sup>2</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

While petitioner has provided a new set of drawings, as required by the Notice of Allowability and mentioned in the previous decision on petition, the drawings cannot be accepted. A "Notice of Draftsperson's Patent Drawing Review" is attached herewith. The application cannot be revived until acceptable drawings are received.

Further correspondence with respect to this matter should be addressed as follows:

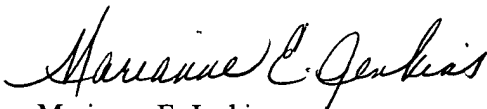
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.



Marianne E. Jenkins  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Examination Policy

Attachment:    Notice of Draftsperson's Patent Drawing Review